

# SENATE BILL REPORT

## SB 5868

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As Reported by Senate Committee On:  
Government Operations & Elections, February 24, 2009

**Title:** An act relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers.

**Brief Description:** Consolidating the cemetery board and the board of funeral directors and embalmers.

**Sponsors:** Senators Pridemore, Fairley and Shin; by request of Governor Gregoire.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/23/09, 2/24/09 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Staff:** Aaron Gutierrez (786-7448)

**Background:** The Cemetery Board was created in 1953, and certifies operation of cemeteries not owned by religious groups or taxing district authorities. The board also grants prearrangement sales licenses and crematory licenses, reviews audit results of endowment-care and pre-arrangement trust funds, holds disciplinary hearings on title violations, adopts and amends rules, and consults with the Board of Funeral Directors and Embalmers on rules for cremation and crematories.

The Cemetery Account is a dedicated account. License fees and other monies related to the Board's activities are deposited in the account, and expenditures related to its activities are paid from the account. The account is subject to allotment, but not appropriation.

The state Board of Funeral Directors and Embalmers was created in 1977, and is responsible for examinations of applicants for funeral director and embalmer licenses, auditing prearrangement trust fund records, and adopting and enforcing rules related to cremation and continuing education.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Funeral Directors and Embalmers Account is a dedicated account. Various license fees, fines, and civil penalties are paid into the account, and expenses related to licensing and registration activities are paid from the account as authorized by legislative appropriation.

**Summary of Bill (Recommended Substitute):** The Funeral and Cemetery Board is created as a consolidation of the Cemetery Board and the State Board of Funeral Directors and Embalmers.

The board consists of all members of the existing Funeral Directors and Embalmers Board and the existing Cemetery Board. The expiration of their terms remains the same. After the expiration of their terms, the board will consist of seven members appointed by the Governor. New members will serve four-year terms.

Three members must have active experience with administrative management of a cemetery authority, or as a member of the board of directors of a cemetery authority for at least five years previous to appointment. Three members must be licensed as funeral directors and embalmers, and must have been continuously engaged in the practice as for at least five years preceding appointment.

The Funeral and Cemetery Account is created. Funds from the Funeral Directors and Embalmers Account and the Funeral and Cemetery Account must be transferred to the new account.

Other references are updated or removed.

Four cemetery board statutes are repealed:

- RCW 68.05.040 (cemetery board created);
- RCW 68.05.050 (qualifications of members);
- RCW 68.05.060 (compensation and travel expenses); and
- RCW 68.05.080 (meetings).

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** Clarifies that the newly created board has authority over the licenses currently overseen by the two boards. Both accounts are eliminated and a brand new account is created, as opposed to eliminating one account and moving the funds to a renamed account. An emergency clause is added, and the bill is effective July 1, 2009.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: We support the bill in concept, with a few changes. The bill changes from five members and one citizen, to seven members and one citizen. We would like to see citizen participation increased. Also, the definition of who can serve as the citizen member is too open. The public member should be a true public member and not represent certain groups. The bill reduces the size of bureaucracy, and streamlines and improves important programs.

OTHER: The bill would be improved by the addition of a member representing Native American tribes.

**Persons Testifying:** PRO: John Eric Rolfsten, Ruth E. Bennett, People's Memorial Association; Bruce Botka, Governor's Office; Dennis McPhee, Joe Vincent, Department of Licensing; T.K. Bentler, Washington State Funeral Directors Association.

OTHER: Dawn Vyvyan, Yakima Nation.